

REMARKS/ARGUMENTS

Claims 1-47 were pending. Claims 1, 6, 12-14, 23-25, 28, 30-32 and 34 have been amended, and claims 4, 9, 10, 15, 19, 26, 27, 33 and 43-47 have been canceled. Therefore, upon entry of this amendment, which is respectfully requested, claims 1-3, 5-8, 11-14, 16-18, 20-26, 28-32 and 34-42 will be pending.

The pending claims are similar to those previously presented in parent application serial no. 09/639,014.

Independent claim 1 has been amended to particularly point out an aspect of the invention. In particular, claim 1 has been amended to include limitations from dependent claim 4. Specifically, claim 1 now recites, in part, "receiving a response from the recipient accepting or rejecting the transfer of funds wherein the response includes a request by the recipient to open an account; [and] opening a second account for the recipient". It is respectfully submitted that none of the references cited in the previous rejection of claim 4 teach or suggest such limitations.

It was stated in the previous rejection that Picciallo, US Patent No. 6,044,360, teaches such limitations and that it would therefore be obvious to combine the "Ito et al method with Picciallo's teaching in order to allow the senders to set spending limits on the recipients account by limiting the amount of money placed in the account." First, it is entirely unclear what, if anything, allowing senders to set spending limits on the recipients account has to do with the invention as recited in claim 1. The senders have absolutely no control over a recipients account, nor is such control claimed. Claim 1, on the other hand, is directed to an aspect that allows a recipient of funds to open an account upon receiving an electronic message indicating that funds are ready for transfer to the recipient so that the recipient may conveniently receive the funds. Picciallo, on the other hand, does not disclose this feature. Rather, as specified in the section of Picciallo cited by the Examiner (column 10, lines 24-48), "an account holder preestablishes an account with a bank..." (lines 24-26; emphasis added) Also, the account holder referred to is the transferor and not the recipient as is clear from the language "into which he deposits funds,...to be set aside for a third party recipient." (Id.) There is no teaching or suggestion in Picciallo, or the other cited references, of receiving a response from a recipient accepting or rejecting a transfer of funds, wherein the response includes a request by the recipient to open an account, and of opening an account for the recipient as is recited in claim 1.

Accordingly, Applicants respectfully assert that claim 1 and all claims depending therefrom are allowable for at least the following reasons.

Independent claims 23 and 34 have also been amended to include similar limitations as are discussed above with regard to claim 1, and are therefore allowable for at least similar reasons.

Claim 6 has been rewritten in independent form, including the limitations of prior claim 1. Specifically, claim 6 now recites, in part, "receiving a transfer request from a first user ... wherein the transfer request further includes a request for identity confirmation; receiving a response from the recipient accepting or rejecting the transfer of funds wherein the response from the recipient includes identity information responsive to the request for identity confirmation; automatically sending the identity information to the first user; receiving from the first user an acceptance or a rejection of the identity information; and transferring said amount of funds from the first account to a second account associated with the recipient if the response indicates acceptance and if an acceptance of the identity information is received from the first user". It is respectfully submitted that none of the references cited in the previous rejection of claim 6 teach or suggest such limitations.

It was stated in the previous rejection that Ito *et al.* ("Ito"), US Patent No. 6,039,250, teaches such limitations, by citing column 5, lines 27-40 and 41-46. However, upon a review of this cited section, and the remainder of Ito, it is clear that Ito does not teach these limitations. Rather, what Ito teaches is a system wherein an electronic money server, and not a user, compares information received from remitter and a receiver to determine whether it is proper to remit or not. This is clear from Ito at column 5, lines 41-43: "the electronic money server 3 collates the identifier 606 with the identifier 803, or other information, and decides if it is proper to remit or not (step 303)." Thus, Ito fails to teach or suggest the limitations of "automatically sending the identity information to the first user, receiving from the first user an acceptance or a rejection of the identity information; and transferring said amount of funds from the first account to a second account associated with the recipient if the response indicates acceptance and if an acceptance of the identity information is received from the first user" (emphasis added) as is recited in claim 6. Nor do the other cited reference remedy this defect in Ito.

Accordingly, Applicants respectfully assert that claim 6 and all claims depending therefrom are allowable for at least the following reasons.

Independent claims 12, 28 and 30 also include similar limitations as are discussed above with regard to claim 6, and are therefore allowable for at least similar reasons.

It is respectfully submitted that independent claim 36 is allowable over the cited art. It was stated in the previous rejection that Ito does not explicitly disclose the limitation of receiving a transfer request, but that Amos, US Patent No. 6,554,184 does, and therefore it would be obvious to combine the two references. Applicants respectfully disagree that Amos teaches this limitation. The section of Amos cited by the examiner (column 2, lines 44-52) fails to make mention of affiliate banks, or an affiliate bank conducting a fund transfer settlement for a transfer of funds between two online accounts as is recited in the claim. In fact, Amos is itself directed to a system that does not include affiliate banks (but which may alternatively have *access* to financial institutions), but rather includes stand alone machines that are interconnected via a network and which allow users to transfer money without intermediary agents. Accordingly, Applicants respectfully assert that claim 36 and all claims depending therefrom are allowable for at least the following reasons.

CONCLUSION

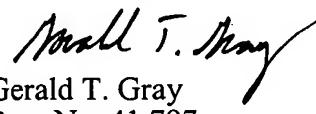
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. Unknown
Amdt. dated December 2, 2003
Preliminary Amendment

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,


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